THE NATIONAL ARCHIVES OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 15 NUMBER 13

Washington, Friday, January 20, 1950

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 730—RICE

STATE ACREAGE ALLOTMENTS FOR 1950 CROP

§ 730.103 *Basis and purpose.* The purpose of this document is to apportion among the several States the national acreage allotment for the 1950 crop of rice proclaimed on December 29, 1949 (15 F. R. 3), in accordance with the provisions of section 353 of the Agricultural Adjustment Act of 1938, as amended. Section 353 of the act provides that the 1950 national acreage allotment for rice shall be apportioned among the several States on the basis of the acreage seeded for the production of rice during the 5 calendar years 1945 to 1949, with adjustments for trends in acreage during such period.

The determinations made by the Secretary in § 730.104 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration within the limits permitted by the Agricultural Adjustment Act of 1938, as amended, of data, views, and recommendations received pursuant to public notice of the proposed action (14 F. R. 6809) given in accordance with the Administrative Procedure Act.

§ 730.104 *Apportionment of the national acreage allotment for the 1950 crop of rice among the several States.* The national acreage allotment proclaimed in § 730.102 is hereby apportioned among the several States as follows:

	Acres
Arizona	269
Arkansas	330,639
California	240,721
Louisiana	557,874
Mississippi	1,761
Missouri	45
South Carolina	783
Texas	452,020

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Apply or interpret sec. 353, 52 Stat. 61, as amended, 7 U. S. C. 1353; Pub. Law 439, 81st Cong.)

Issued at Washington, D. C., this 13th day of January 1950. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-606; Filed, Jan. 19, 1950; 8:53 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 627]

NEVADA

REVOKING PUBLIC LAND ORDER NO. 50 OF NOVEMBER 3, 1942, AS AMENDED, AND WITHDRAWING A PORTION OF THE RELEASED LANDS FOR THE USE OF THE DEPARTMENT OF THE ARMY

By virtue of the authority vested in the President pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 50 of November 3, 1942, as amended by Executive Order No. 9526 of February 28, 1945, withdrawing the public lands in the following-described areas in Nevada for use in connection with the prosecution of the War, is hereby revoked:

MOUNT DIABLO MERIDIAN

Tps. 30 to 35 N., R. 68 E., partly unsurveyed.
Tps. 30 to 35 N., R. 69 E., partly unsurveyed.
Tps. 30 to 35 N., R. 70 E., partly unsurveyed.

The areas described, including both public and non-public lands, aggregate 414,720 acres.

The land varies from level to rolling broad valleys to steep, rugged mountains.

The jurisdiction over and use of such lands pursuant to Public Land Order No. 50, shall cease effective upon the date of signing of this order. Thereupon, the jurisdiction over and administration of such lands shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to their respective interests then of record.

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leas-

(Continued on next page)

CONTENTS

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

CONTENTS—Continued

CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

ing laws, and reserved for the use of the Department of the Army in connection with the Wendover, Utah, Army Airbase:

MOUNT DIABLO MERIDIAN

T. 32 N., R. 69 E.,
T. 33 N., R. 69 E., unsurveyed.
Secs 1, 2, 3;
Secs. 10 to 15 inclusive;
Secs. 22 to 27 inclusive;
Secs. 34, 35, and 36.
Tps. 30 to 32 N., R. 70 E.
T. 33 N., R. 70 E., unsurveyed.

The areas described aggregate approximately 101,141 acres.

The withdrawal made by this order is subject to the order of January 31, 1936 of the first Assistant Secretary of the Interior, Air Navigation Site Withdrawal No. 103, withdrawing certain lands for the use of the Department of Commerce in the maintenance of air navigation facilities, so far as such order affects the NE¼NE¼SW¼ sec. 18, T. 33 N., R. 70 E.

This order shall take precedence over, but shall not modify (1) the order of December 23, 1919 of the Secretary of the Interior, establishing Stock Driveway No. 121, Nevada No. 43, and (2) the order of April 8, 1935 of the Secretary of the Interior, establishing Nevada Grazing District No. 1, so far as such orders affect any of the lands withdrawn by this order.

As to the lands released from withdrawal by this order, and not withdrawn for the use of the Department of the Army this order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the surveyed public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time.

All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in District Land Office, Reno, Nevada, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that Title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that Title.

Inquiries concerning these lands shall be addressed to the District Land Office, Reno, Nevada.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JANUARY 11, 1950.

[F. R. Doc. 50-580; Filed, Jan. 19, 1950; 8:48 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

ANNUAL REPORT FORM H

In the matter of amendment of Annual Report Form H; applicable to persons immediately controlling any communication common carrier (Holding Company).

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of January 1950;

The Commission having under consideration the advisability of amending its Annual Report Form H applicable to persons immediately controlling communication common carriers; and

It appearing, that § 43.21 of the Commission's rules and regulations provides for the filing of annual reports by persons immediately controlling any communication common carrier and that Annual Report Form H (holding companies) is prescribed by § 1.544 (a) (1) of the rules and regulations as the form of the report to be filed by such persons; and

It further appearing, that a number of schedules in present Form H provide information which the Commission finds it does not need at this time and may, therefore, be eliminated; and

It further appearing, that sufficient copies of Form H are in stock to fill the current year's requirements, and for that reason any changes in the report at this time should be effected by a "Special Notice" to be enclosed with the blank copies when the latter are distributed; and

It further appearing, that the proposed amendment will grant exemptions in the present reporting requirements; that a general notice of proposed rule making is, therefore, unnecessary; and that the amendment may be made effective immediately under the provisions of section 4 (c) of the Administrative Procedure Act;

It further appearing, that authority for the adoption of this amendment is contained in sections 4 (i) and 219 of the Communications Act of 1934, as amended;

It is ordered, That effective immediately, Annual Report Form H (Holding Companies) is amended as set forth below.

Released: January 12, 1950.

(Sec. 4 (i), 48 Stat. 1066; 47 U. S. C. 154 (i). Applies 219, 48 Stat. 1077; 47 U. S. C. 219)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Insert a special notice as follows:

SPECIAL NOTICE

The data called for in the following schedules need not be reported for the year ended December 31, 1949:

Schedule No.:	*Title*
212	Miscellaneous physical property.
231	Sinking funds.
234	Company securities owned.
235	Special deposits of cash for more than one year from date of deposit.
236	Special cash deposits.
241	Insurance and other funds.
245	Other deferred debits.
253	Capital stock installments.
290	Other deferred credits.
310	Operating revenue accounts.
312	Income from miscellaneous physical property.
323	Regulatory commission expenses.
330	Rent from lease of operating property.
330A	Abstracts of terms and conditions of leases.
331	Rent for lease of operating property.
331A	Abstracts of leasehold contracts.
340	Operating taxes.
350	Contractual reservations of income and surplus.
351	Miscellaneous reservations of income and surplus.
360	Miscellaneous items in surplus accounts for the year.
411	Franchises acquired during the year.
463	Donations or payments for services rendered by persons other than employees.
471	Changes during the year.

[F. R. Doc. 50-601; Filed, Jan. 19, 1950; 8:54 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[Ex Parte No. MC-39]

PART 167—BROKERS OF PROPERTY

PRACTICES

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 13th day of January A. D. 1950.

Upon consideration of the record in the above-entitled proceeding, and (1) of petition of Household Goods Carriers' Conference of the American Trucking Associations, Inc., dated September 30, 1949, (a) for leave to intervene, (b) for leave to file a petition for reconsideration and further hearing, and (c) for reconsideration and further hearing; (2) of petition of Meyer Levinson, doing business as Associated Packers & Shippers, dated June 23, 1949, for reconsideration, and (3) of petition of Independent Movers & Warehousemen's Association, dated June 29, 1949, for reconsideration; and good cause appearing therefor:

It is ordered, That the said petitioner, Household Goods Carriers' Conference of the American Trucking Associations, Inc., be, and it is hereby, permitted to intervene in said proceeding with the right to appear and participate in all further proceedings herein;

It is further ordered, That said petition for reconsideration and further hearing tendered for filing after the expiration of the time provided by Rule 101 (e) of the general rules of practice for the filing of such petition be, and it is hereby, filed;

It is further ordered, That said proceeding be, and it is hereby, reopened on the petition of Household Goods Carriers' Conference of the American Truck-

ing Associations, Inc., and on our motion as to Rule 5, for further hearing at a time and place to be hereafter fixed solely with respect to (1) the applicability of the brokerage provisions of the Interstate Commerce Act to carriers holding certificates or permits under the act, and (2) the maximum compensation that brokers may charge for their services;

It is further ordered, That said petitions for reconsideration be, and they are hereby, denied.

And it is further ordered, That the order entered herein on May 16, 1949, as subsequently modified to become effective on January 16, 1950, be, and it is hereby, postponed indefinitely.

By the Commission, Division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-590; Filed, Jan. 19, 1950; 8:56 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR, Part 166]

ALIENS' BORDER CROSSING IDENTIFICATION CARDS

NOTICE OF PROPOSED RULE MAKING

DECEMBER 5, 1949.

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003), notice is hereby given of the proposed issuance by the Commissioner of Immigration and Naturalization, with the approval of the Attorney General, of the following amendments to the rules relating to aliens' border crossing identification cards. In accordance with subsection (b) of said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 1-1237, Temporary Federal Office Building X, 19th and East Capitol Streets NE., Washington 25, D. C., written data, views, or arguments relative to these proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the date of publication of this notice will be considered.

1. The first sentence of § 166.2, *Resident alien's border crossing identification card; application*, is amended to read as follows: "Application for a resident alien's border crossing identification card shall be made, upon a form prescribed for that purpose, at any immigration and naturalization field office in the continental United States, Alaska, or Hawaii."

2. The first sentence of § 166.4, *Resident alien's border crossing identification card; use*, is amended to read as follows: "The rightful holder of a valid resident alien's border crossing identification card issued under § 166.3 may present that document in lieu of an immigration visa or reentry permit when applying for admission at any land, water, or air port of entry in the continental United States, Alaska, or Hawaii as a returning legal resident after an absence from the United States of not more than six months, provided that during such absence he shall not have visited any foreign territory other than Canada or Mexico."

3. The third sentence of § 166.5, *Resident alien's border crossing identification card; extension or revalidation*, is amended to read as follows: "An expired card may be revalidated if the holder applies for admission to the United States, is found to be otherwise admissible, and satisfactorily establishes that he has not abandoned his residence in the United States and that he has not been absent from the United States for more than sixty days."

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 102, 222, 458 (a))

A. R. MACKEY, *Acting Commissioner of Immigration and Naturalization.*

Approved: January 16, 1950.

J. HOWARD MCGRATH, *Attorney General.*

[F. R. Doc. 50-593; Filed, Jan. 19, 1950; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Parts 1, 3]

[Docket No. 9553]

FORFEITURE OF CONSTRUCTION PERMITS

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. The Commission proposes to amend §§ 1.314, 3.215 and 3.615 of its rules relating to the forfeiture of AM, FM and TV construction permits in the event the station is not ready for operation within the time specified in the Commission's rules so as to declare construction permits forfeited if a contract for the assignment of the permit or for transfer of control of the permittee corporation is entered into by the permittee or if an option for the transfer or assignment is given by the permittee prior to the time the station has commenced program tests, except in certain pro forma cases.

3. The basis for the proposed rule is the policy of the Communications Act that frequencies for the operation of a broadcast station are to be issued to persons who will operate such stations in the public interest and not for the purpose of permitting such persons to transfer the license to another person. The practice of transferring a construction permit before the station has been constructed and operated contributes to a trafficking in frequencies. The conditions set forth in the original grant of a construction permit relative to the forfeiture of the permit, if construction is not completed within a specified time, are meant to insure that the permittee, who has received a valuable right, shall exercise that right promptly and in the public interest. The time limitations imposed are, therefore, to insure that the frequency shall be utilized with dispatch and that the permittee be not allowed to commence that use at such time as he deems proper. Similarly the Commission is of the opinion that a construction permit should be forfeited if the permittee signifies definitely that he does not intend to complete construction and apply for a license to cover that construction, as is the case where the permittee enters into a contract to assign or transfer that permit prior to the time the station enters on program tests.

4. The proposed amendments, authority for which is contained in sections 4 (i), 303 (l) and (r), 310 (b) and 319 (b) of the Communications Act of 1934, as amended, are set forth below.

5. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth below, may file with the Commission on or before February 17, 1950 a statement or brief setting forth his comments. At the same time, persons favoring the amendments as proposed may file statements in support thereof. The Commission will consider any such comments that are received before taking any final action in the matter, and if any comments are received which appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and fourteen copies of all statements, briefs or comments shall be furnished the Commission.

NOTE: Dissent of Commissioner Hyde joined in by Commissioner Jones filed as part of original document.

Adopted: January 11, 1950.

Released: January 12, 1950.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

1. Section 1.314 of the Commission's rules is proposed to be amended so as to add thereto the following:

(d) A construction permit shall be automatically forfeited if a contract for the assignment of the permit or transfer of control of the permittee corporation shall have been entered into by the permittee or if an option shall have been given by the permittee for such an assignment or

transfer prior to the time the station has actually commenced program tests in accordance with the applicable Commission rules concerning such tests; *Provided, however,* That this paragraph shall not apply to contracts or options relative to the pro forma assignments or transfers outlined in § 1.321 (b) of the Commission's rules.[1]

The Commission will carefully scrutinize contracts or options, entered into within a short period after commencement of program tests, in order to determine whether the permittee actually intended to construct the station for purposes of sale rather than operation. In cases where, in addition to a transfer of license, there is also involved a transfer of a construction permit for modification of facilities, under which construction permit program tests have not commenced, the Commission will authorize the transfer of such construction permit if it represents a relatively minor modification of existing facilities but not when it represents a major modification. What is minor or major will depend upon the facts of every case. Illustrative of the former is a construction permit to change transmitter site. Illustrative of the latter is a construction permit to change facilities from a local station on daytime only to a full time regional station.

2. Section 3.215 of the Commission's rules is proposed to be amended so as to add thereto the following:

(d) A construction permit shall be automatically forfeited if a contract for the assignment of the permit or transfer of control of the permittee corporation shall have been entered into by the permittee or if an option shall have been given by the permittee for such an assignment or transfer prior to the time the station has actually commenced program tests in accordance with the applicable Commission rules concerning such tests: *Provided, however,* That this paragraph shall not apply to contracts or options relative to the pro forma assignments or transfers outlined in § 1.321 (b) of the Commission's rules.[2]

The Commission will carefully scrutinize contracts or options, entered into within a short period after commencement of program tests, in order to determine whether the permittee actually intended to construct the station for purposes of sale rather than operation. In cases where, in addition to a transfer of license, there is also involved a transfer of a construction permit for modification of facilities, under which construction permit program tests have not commenced, the Commission will authorize the transfer of such construction permit if it represents a relatively minor modification of existing facilities but not when it represents a major modification. What is minor or major will depend upon the facts of every case. Illustrative of the former is a construction permit to change transmitter site. Illustrative of the latter is a construction permit to change from a Class A to a Class B station.

3. Section 3.615 of the Commission's rules is proposed to be amended so as to add thereto the following:

(d) A construction permit shall be automatically forfeited if a contract for the assignment of the permit or transfer of control of the permittee corporation shall have been entered into by the permittee or if an option shall have been given by the permittee for such an assignment or transfer prior to the time the station has actually commenced program tests in accordance with the applicable Commission rules concerning such tests: *Provided, however,* That this paragraph shall not apply to contracts or options relative to the pro forma assignments or transfers outlined in § 1.321 (b) of the Commission's rules.

The Commission will carefully scrutinize contracts or options, entered into within a short period after commencement of program tests, in order to determine whether the permittee actually intended to construct the station for purposes of sale rather than operation. In cases where, in addition to a transfer of license, there is also involved a transfer of a construction permit for modification of facilities, under which construction permit program tests have not commenced, the Commission will authorize the transfer of such construction permit if it represents a relatively minor modification of existing facilities but not when it represents a major modification. What is minor or major will depend upon the facts of every case. Illustrative of the former is a construction permit to change transmitter site. Illustrative of the latter is a construction permit to change from a community station to a metropolitan station.

[F. R. Doc. 50-599; Filed, Jan. 19, 1950; 8:51 a. m.]

[1] This section shall not apply to an assignment or transfer of control of a construction permit for a standard broadcast station where such assignment or transfer is an integral part of the assignment or transfer of control of an FM station located in the same community and where such FM station is itself eligible for assignment or transfer under the provisions of § 3.215.

[2] This section shall not apply to an assignment or transfer of control of a construction permit for a frequency modulation station where such assignment or transfer is an integral part of the assignment or transfer of control of an AM station located in the same community and where such AM station is itself eligible for assignment or transfer under the provisions of § 1.314.

[47 CFR, Part 2]

[Docket No. 9551]

Frequency Allocations

Notice of Proposed Rule Making

In the matter of amendment of footnote U. S. 11 to § 2.104 of the Commission's rules.

1. Notice of proposed rule making is given in the above-entitled matter.

2. It is proposed to amend footnote U. S. 11 to § 2.104 of the Commission's rules in order to permit the use of the band 420–460 Mc. by the Aeronautical Radionavigation Service until February 15, 1953.

3. The amended footnote would read as follows:

U. S. 11 The aeronautical radionavigation service will not be permitted to use the band 420–460 Mc. after February 15, 1953.

4. Authority for the proposed amendment is contained in sections 303 (c) and (r) of the Communications Act of 1934, as amended.

5. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth, may file with the Commission on or before February 1, 1950, a written statement or brief setting forth his comments. At the same time persons favoring the amendment as proposed may file statements in support thereof. The Commission will consider any such comments that are received before taking final action in the matter.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and fourteen copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: January 11, 1950.

Released: January 12, 1950.

Federal Communications Commission,

[SEAL] T. J. Slowie,
Secretary.

[F. R. Doc. 50-600; Filed, Jan. 19, 1950; 8:53 a. m.]

[47 CFR, Part 3]

[Docket Nos. 8736, 8975, 8976, 9175]

Television Broadcast Service

Order Authorizing Amendment of Filed Proposals

In the matters of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8736 and 8975; amendment of the Commission's rules, regulations and engineering standards concerning the television broadcast service, Docket No. 9175; utilization of frequencies in the Band 470 to 890 Mcs. for television broadcasting, Docket No. 8976.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of January 1950;

The Commission having under consideration a petition filed on December 13, 1949, by Communication Measurements Laboratory, Inc., requesting in substance, that the Commission (1) withdraw the allocation plan set forth in its "Notice of Further Proposed Rule Making" (FCC 49-948) issued herein on July 11, 1949; (2) establish a municipal or small town station classification with a maximum power of 1 kw effective radiated power and a maximum height of 150 feet; (3) reduce the minimum antenna height of the community type station to 250 feet; (4) abolish channel assignments to metropolitan, community or municipal stations exclusively; (5) establish new interference ratios; and (6) amend the television engineering

standards to provide that the directivity of receiving antennas be integrated into the "inter area interference calculations"; and

It appearing, that pursuant to paragraph "14" of the above "Notice", as amended, persons desiring to participate in the above entitled proceedings herein were required to file their comments concerning the Commission's proposals not later than August 26, 1949, and that oppositions to such comments were required to be filed not later than September 12, 1949, (or, in case of objections to comments relating to specific allocations, not later than September 26, 1949); and

It further appearing, that petitioner herein on July 27, 1949, filed a statement herein entitled "A Proposal for a New Television Allocation Plan to Replace the FCC Allocation Plan of July 11, 1949"; and

If further appearing, that the proposals contained in the instant petition are in the nature of counterproposals to the proposals set forth by the Commission in the above "Notice"; that, in effect, petioner is seeking an immediate determination by the Commission that petitioner's counterproposals are preferable not only to the proposals of the Commission but also to those filed by other parties herein; that to comply with petitioner's request would result in a tentative, premature determination of various issues in this proceeding without a hearing and without an opportunity having been afforded other interested persons to submit comments concerning the proposals set forth in the instant petition; and that, from the foregoing facts, it appears that a grant of the petition would not be conducive to the orderly dispatch of the Commission's business herein; and

It further appearing, that in order to afford petitioner the opportunity to raise at a hearing herein the points set forth in its petition, and in order to provide interested parties with an opportunity to comment thereon, the Commission will consider the petition herein as an amendment to the proposals heretofore filed by the petitioner on July 27, 1949, as described above;

It is ordered, That insofar as the instant petition of Communication Measurements Laboratory, Inc., requests the Commission to "withdraw the allocation plan proposed on July 11th, 1949" (FCC 49-948), it is denied;

It is further ordered, That in all other respects said petition is accepted for filing as an amendment to petitioner's comments filed herein on July 27, 1949.

Adopted: January 11, 1950.

Released: January 12, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-598; Filed, Jan. 19, 1950; 8:52 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

ALTUS LIVESTOCK SALE ET AL.

NOTICE RELATIVE TO POSTED STOCKYARDS

Notice is hereby given that after inquiry and after consideration of all relevant matter presented pursuant to the notices of proposed posting and rule making published in the FEDERAL REGISTER September 15, 1949, and October 27, 1949 (14 F. R. 5653, 6560), it has been ascertained by me, pursuant to section 302 of the Packers and Stockyards Act, 1921 (7 U. S. C. 202) that the stockyards named below are stockyards within the definition of that term contained in section 302 of said act and are, therefore, subject to the provisions of said act, and notice has been given to the owners of said stockyards and to the public by posting notice at said stockyards as required by section 302 of said act. The names of the stockyards, their addresses and the dates on which notice was given are as follows:

Altus Livestock Sale, Altus, Okla	Oct. 24, 1949
Alva Livestock Commission Co., Alva, Okla	Oct. 10, 1949
Morris Commission Co., Antlers, Okla	Nov. 29, 1949
Southern Oklahoma Livestock Exchange, Ardmore, Okla	Nov. 15, 1949
Morris Commission Co., Atoka, Okla	Nov. 29, 1949
Farmers and Traders Community Auction, Duncan, Okla	Nov. 15, 1949
Bowman & Bowman Commission Co., Durant, Okla	Nov. 30, 1949
Osage County Sales Ring, Fairfax, Okla	Oct. 20, 1949
Guymon Sales Co., Guymon, Okla	Oct. 11, 1949
Hollis Livestock Commission Co., Hollis, Okla	Oct. 24, 1949
Hominy Sale, Hominy, Okla	Oct. 20, 1949
Hugo Sales Commission Co., Hugo, Okla	Nov. 30, 1949
Lawton Stockyards, Lawton, Okla	Dec. 20, 1949
Mangum Auction Co., Mangum, Okla	Dec. 14, 1949
Ryan Livestock Auction,, Ryan, Okla	Dec. 8, 1949
Augustine Livestock Commission Co., Inc., Texhoma, Okla	Oct. 11, 1949
Tonkawa Sales Co., Tonkawa, Okla	Dec. 7, 1949
Waurika Auction Sale, Waurika, Okla	Dec. 8, 1949
Aberdeen Livestock Sales Co., Inc., Aberdeen, S. Dak	Nov. 30, 1949
Hub City Livestock Sales Pavilion, Aberdeen, S. Dak	Nov. 29, 1949
Chamberlain Livestock Sales, Inc., Chamberlain, S. Dak	Dec. 5, 1949
Fort Pierre Livestock Commission Co., Fort Pierre, S. Dak	Dec. 3, 1949
Kimball Livestock Exchange, Kimball, S. Dak	Dec. 5, 1949
Lemmon Livestock Sales Co., Lemmon, S. Dak	Nov. 28, 1949
Miller Livestock Auction Co., Miller, S. Dak	Dec. 2, 1949
Mobridge Commission Co., Mobridge, S. Dak	Dec. 1, 1949
Philip Livestock Auction, Philip, S. Dak	Dec. 2, 1949
Sturgis Livestock Exchange, Inc., Sturgis, S. Dak	Nov. 30, 1949
Winner Livestock Auction Co., Winner, S. Dak	Nov. 28, 1949

The Packers and Stockyards Act provides for a specified time after the posting of notice at the stockyards for market agencies, dealers and stockyard owners to register and qualify for the operation of their businesses under that act and makes the stockyard subject to the provisions of that act after the posting of notice at the stockyard. There appears to be no good reason to defer the effective date of the foregoing notice in view of that fact. Therefore, it is determined that good cause exists to make this notice, and it shall be, effective upon publication in the FEDERAL REGISTER, subject to the provisions of the Packers and Stockyards Act.

Done at Washington, D. C., this 17th day of January 1950.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 50-607; Filed, Jan. 19, 1950; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

NOTICE FOR FILING OBJECTIONS TO REVOKING PUBLIC LAND ORDER NO. 50 OF NOVEMBER 3, 1942, AS AMENDED, AND WITHDRAWING PORTION OF RELEASED LANDS FOR USE OF DEPARTMENT OF ARMY [1]

For a period of 30 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be

[1] See F. R. Doc. 50-583, Title 43, Chapter I, Appendix, *supra*.

rescinded, modified or let stand will be given to all interested parties of record and the general public.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JANUARY 11, 1950.

[F. R. Doc. 50-579; Filed, Jan. 19, 1950; 8:47 a. m.]

CALIFORNIA

CLASSIFICATION ORDER

JANUARY 6, 1950.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. section 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing 10 acres,

CALIFORNIA SMALL TRACT CLASSIFICATION NO. 198

For lease and sale for homesites only,

T. 4 N., R. 1 W., S. B. M.,
Sec. 27, SE¼NE¼SE¼.

The lands lie in San Bernardino County from 3 to 7 miles south and west of the Lucerne Valley Post Office at the foot of the San Bernardino Mountains approximately midway between Victorville and the Big Bear Lake recreational area. Elevations range from 3200 to 4600 feet above sea level with an accompanying variation in vegetation from low desert shrub to juniper-yucca type on the higher slopes. The lands afford an excellent view of distant desert mountains and basins. The entire area is strewn with granite boulders, and the water supply will, in most instances, have to be obtained from existing wells and transported to the lands. The rocky character of the lands will necessitate considerable expenditures for development.

2. As to applications regularly filed prior to 3:00 p. m., April 6, 1948, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., March 10, 1950. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., March 10, 1950, to the close of business on June 8, 1950.

(b) Advance period for veterans' simultaneous filings from 3:00 p. m., April 6, 1948, to 10:00 a. m., March 10, 1950.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., June 9, 1950.

(a) Advance period for simultaneous nonpreference filings from 3:00 p. m., April 6, 1948, to 10:00 a. m., June 9, 1950.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension to extend north and south.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a ten-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $10.00 an acre, application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, District Land Office, Los Angeles, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 50-602; Filed, Jan. 19, 1950; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4022]

TRANSPORTES AEREOS NACIONALES S. A.; FOREIGN AIR CARRIER PERMIT

NOTICE OF HEARING

In the matter of the application of Transportes Aereos Nacionales S. A. pursuant to section 402 of the Civil Aeronautics Act of 1938, as amended, for a foreign air carrier permit authorizing scheduled foreign air transportation of persons, property and mail between the terminal point Tegucigalpa, Honduras, the intermediate point Havana, Cuba, and the terminal point Miami, Florida, with the right to pick up and discharge at Havana only such traffic as moves to or from Tegucigalpa.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on February 1, 1950 at 10:00 a. m., e. s. t., in Room C-116, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following matters and questions:

1. Whether the proposed air transportation will be in the public interest, as defined in section 2 of the Civil Aeronautics Act of 1938, as amended.

2. Whether the applicant is fit, willing and able to perform such transportation.

Notice is further given that any person, other than a party of record, desiring to be heard in this proceeding must file with the Board, on or before February 1, 1950, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

For further details of the service proposed and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., January 16, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-592; Filed, Jan. 19, 1950; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9402-9405, 9468, 9469]

KMPC, THE STATION OF THE STARS, INC., ET AL.

MEMORANDUM OPINION AND ORDER SCHEDULING HEARING

In re applications of G. A. Richards, Transferor and Harry J. Klingler, Lawrence P. Fisher and John A. Hannah, Transferees, for consent to the transfer of control of KMPC, the Station of the Stars, Inc., Los Angeles, California; Docket No. 9402, File No. BTC-756;

WJR, The Goodwill Station, Inc., Detroit, Michigan; Docket No. 9403, File No. BTC-754; WGAR Broadcasting Company, Cleveland, Ohio; Docket No. 9404, File No. BTC-755; KMPC, The Station of the Stars, Inc, Los Angeles, California; Docket No. 9468, File No. BR-18; for renewal of license of Radio Station KMPC, Los Angeles, California; WJR, The Goodwill Station, Inc., Detroit, Michigan; Docket No. 9469, File No. BR-331; for renewal of license of Radio Station WJR, Detroit, Michigan; WGAR Broadcasting Company, Cleveland, Ohio, Docket No. 9405, File No. BR-283; for renewal of license of Radio Station WGAR, Cleveland, Ohio.

We have before us a "Motion to change issues and for other relief" in the above-entitled matter, filed November 7, 1949 on behalf of G. A. Richards and the above licensees of radio stations KMPC, WJR, and WGAR.

In Dockets 9402, 9403 and 9404 (the transfer cases) the Commission is requested to delete from the hearing order of July 25, 1949 (FCC 49-1021; 14 F. R. 4831) issues 1, 2, 3, 4, and 8. These issues concern (1) whether Richards gave instructions to slant news; (2) whether disciplinary action was taken in cases of refusal to carry out instructions; (3) whether any such instructions were carried out; (4) whether in the light of information adduced under 1, 2, and 3 the licensee corporations are qualified to continue as licensees of the three stations; and (8), in the light of information adduced under issues 1, 2 and 3, the proposed program policies to be followed by the licensees if the proposed transfers are effected. If these issues were deleted as requested the only remaining issues would involve no questions as to Richards' qualifications or the past operation of the three stations. The remaining issues would be concerned with (5, 6 and 7) possible rights and control remaining in Richards after the proposed transfer, and (9 and 10) the qualifications of the transferees, and whether the transfer would be in the public interest.

In Dockets 9405, 9468 and 9469 (the renewal cases) the parties request the Commission either (1) to strike all issues now specified by the Commission in its order of September 28, 1949 (FCC 49-1329; 14 F. R. 6096), or (2) in the alternative, to sever the proceedings from those with which they are now consolidated (the transfer cases), postpone indefinitely the designation of any date for hearing, and extend all the licenses temporarily until the remaining issues in the transfer cases have been ultimately resolved. The issues which are sought to be deleted relate to questions of possible impropriety in the past operation of the stations, and to the accuracy of representations made to the Commission by and on behalf of Richards.

The major arguments set forth by the petitioners are, first, that the precarious state of Richards' health would make it impossible for him to appear at the scheduled hearing without grave danger to his health and life. In this connection it is argued that it would be impossible to have an adequate hearing upon the issues as they now stand without Richards' presence, since the issues center around questions of the conduct of Richards. Second, it is argued that the Commission has no jurisdiction to inquire into the issues sought to be deleted, and that any consideration of these issues by the Commission would be an unwarranted assertion by the Commission of authority over program content, and would amount to censorship in violation of section 326 of the Communications Act and of the free speech provisions of the First Amendment of the Constitution.

The argument is thus directed to attempting to show that, for various reasons, the Commission may not or should not take into consideration in this proceeding aspects of past operation coming within the scope of the issues sought to be deleted. We fail to find any argument that we may not or should not consider matters within the scope of Issue No. 4 of our order of September 28, 1949 with respect to the accuracy of representations made in affidavits and pleadings submitted to the Commission by and on behalf of G. A. Richards.

We turn first to petitioner's request that the transfer applications be considered and disposed of prior to consideration of the renewal applications. In the past the Commission has in a number of cases refused to permit transfers by licensees who have been found to be unqualified and has regarded the resolution of outstanding questions concerning the qualifications of licensee-transferors as a condition precedent to consideration of a transfer application. When such questions have been resolved in the licensee's favor a transfer has been permitted. Conversely, if the licensee has been found unqualified, the transfer application has been dismissed. Thus in the WOKO and WORL cases (In re WOKO, Inc., 10 F.C.C. 454 (1945), petition for reconsideration denied April 4, 1947, 3 Pike & Fischer, R. R. 1061; In re Broadcasting Service Organization, Inc. (WORL), 3 R. R. 979 (1947)), the Commission refused to permit transfers by licensees who were not found qualified for renewals of licenses. In the KFNF and Julio Conesa cases (In re KFNF, Inc., 3 R. R. 53 (1945); In re Julio Conesa, 3 R. R. 158 (1946)) the Commission consented to transfers from parties whose qualifications were in issue only after inquiring into and resolving question going to the qualifications of the transferors. We are not persuaded by petitioners' argument that in the present case we should consider the transfer applications without first passing upon the renewal applications of the present licensees.

Petitioners' argument that we should delete the hearing issues concerning past operation centers largely on contentions with respect to censorship and freedom of speech; but in our opinion the lengthy argument along these lines is not in point. It seems clear that the question presented by the present petition is not one of Richards' private views and his right to express them, but rather whether Richards, whatever his own views, has and will adequately discharge the responsibility of a licensee. See KFKB Broadcasting Association *v.* Federal Radio Commission, 60 App. D. C. 79, 47 F. 2d 670; Trinity Methodist Church, South *v.* Federal Radio Commission, 61 App. D. C. 311, 62 F. 2d 850, cert. den. 288 U. S. 599; and this Commission's Report on Editorialization by Broadcast Licensees of June 1, 1949 (Docket 8516; FCC 49-769; 14 F. R. 3055), particularly paragraph 17.

Petitioners also argue that the Commission's action, in including in the hearing orders of July 25, 1949 and September 28, 1949 issues with respect to the past operation of the station, is inconsistent with thinking imputed to the Commission in its action of March 17, 1949 in indefinitely postponing the hearing which had been scheduled for March 23, 1949 upon similar issues. Our order of March 17, 1949 (Docket 9193), as it indicates, was in response to request of counsel for Mr. Richards dated March 16, 1949 for a 30-day continuance. That request was supported by affidavits of Mr. Richards' physicians to the effect that a continuance of the hearing was necessary, and by representations that in view of Mr. Richards' health he intended within 30 days to submit to the Commission an application to transfer the control of all stock owned by Mr. Richards in the three licensee corporations. We stated in that order that "upon the filing of such application the Commission will then decide whether such hearing should be consolidated with the above-entitled proceeding. At that time the Commission will also determine the further hearing date in the above-entitled proceeding and also in the consolidated proceeding if the transfer application is consolidated for hearing with the above-entitled matter." We are not persuaded that the fact that we have thus in our discretion allowed petitioners considerable procedural latitude, and granted a number of requests for continuances, is equivalent to a decision on the substantive issues involved or militates against our now considering such issues.

We may point out that petitioners have had an extended period of time in which to submit to us material in support of the grant of their applications without the necessity for a hearing. We apprised the applicants more than a year ago of the nature of the allegations which have been made concerning Mr. Richards and the stations, as set forth in the above orders designating these applications for hearing, and have received various statements and representations from and on behalf of Richards and the licensees concerning the matter. The material and arguments which have been presented fail, however, in our opinion, to resolve in favor of the licensees important questions as to their qualifications.

Although we are unable to determine, upon examination of the present applications in the light of all the related information and allegations available to us, that public interest, convenience, or necessity would be served by the granting thereof, the Commission is affording the applicants "an opportunity to be heard under such rules and regulations as it may prescribe" (section 309 (a), Communications Act of 1934). It seems clear, however, that the burden is on an applicant to go forward with his application; and that the inability of an applicant, because of permanent physical incapacity of key witnesses or for other

reasons beyond the control of the Commission, to prosecute his application by availing himself of the opportunity to be heard afforded him by the Commission, does not necessitate the conclusion that the Commission must act favorably on the application despite the applicant's failure to make the legally requisite showing.

This does not mean that we are indifferent to the problem presented when the strain of participating in a hearing would jeopardize the health of a principal in an applicant or an important witness on behalf of the applicant. And in the present case, if the applicants wish to take advantage of the opportunity to be heard which the Commission is affording them, and if Mr. Richards desires to appear, we will cooperate in making every reasonable provision and accommodation for his physical comfort and well-being which may seem desirable in the light of such full medical information and advice as may be available to us at the time of the hearing. Since we are not unaware that during most or much of the time of the chronic illness of Mr. Richards to which his physicians attest, he has maintained a certain amount of physical activity, we believe that it may be possible to conduct a hearing in such a manner as to impose no unaccustomed physical strain on him.

For the foregoing reasons: *It is ordered*, This 11th day of January 1950, that the above "Motion to change issues and for other relief" is denied.

It is further ordered, That the hearing in this matter will commence at 10:00 a. m., March 13, 1950, in Los Angeles, California at a place and before a presiding officer to be specified by subsequent order of the Commission.

Released: January 12, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-595; Filed, Jan. 19, 1950; 8:50 a. m.]

[Docket No. 9552]

THEATRE TELEVISION SERVICE

NOTICE OF HEARING ON PETITIONS FOR RULE MAKING

1. Notice is hereby given that a hearing will be held in Washington, D. C., at a time and place to be more specifically stated in a subsequent order or notice, in the above entitled matter, for the purpose of obtaining information concerning theatre television and determining the issues set forth below.

2. The Commission has before it petitions filed by various organizations in the motion picture industry requesting the institution of rule-making proceedings looking toward (1) the allocation of frequencies to a theatre television service for the purpose of relaying television programs for exhibition in motion picture theatres, (2) the promulgation of rules and regulations, and standards of good engineering practice governing a theatre television service on a commercial basis, and (3) that a hearing be held before the Commission for the foregoing purposes. Said petitions were filed by the Society of Motion Picture Engineers; the Theatre Owners of America; the Motion Picture Association of America, Inc.; Twentieth Century-Fox Film Corporation; Fabian Enterprises, Inc.; the Motion Picture Theatre Owners of West Virginia; the Walter Reade Theatres, Inc.; the Sidney Lust Theatres; the Theatre Owners of Oklahoma, Inc.; Paramount Television Productions, Inc.; the Motion Picture Theatre Owners of St. Louis, Eastern Missouri and Southern Illinois; the Kansas-Missouri Theatre Association; the Tri-States Theatre Corporation; the Greater Huntington Theatre Corporation, Oak Ridge Theatres and Capitol and Ferguson Theatres; the Everett Enterprises, Inc.; the Martin Theatres of Florida, Inc., Martin Theatres of Alabama, Inc., and Martin Theatres of Georgia, Inc.; the Independent Theatre Owners of Arkansas; the United Detroit Theatres Corporation; the Essaness Theatres Corporation, the Lockwood and Gordon Enterprises, Inc.; Balaban & Katz Corporation; the Motion Picture Theatre Owners of Metropolitan D. C.; the New Mexico Theatre Association; the New England Theatres, Inc.; American Theatres Corporation, and Neighborhood Theatre, Inc.

3. The said petitions allege, among other things, that theatre equipment has been designed and constructed making possible the exhibition of television programs in motion picture theatres, and elsewhere, on large screens; that many of the petitioners, and others in the motion picture industry, are desirous of instituting a theatre television service in their motion picture theatres; that such a service will encourage the development and use of television and will create a new medium for providing entertainment, news, information and public service to a large proportion of the public; that the relay of such programs by use of radio frequencies is essential to the satisfactory and economic operation of a theatre television service; that the relay of television programs for this purpose cannot be accomplished by use of common carrier facilities on a technically or economically satisfactory basis; and hence, that frequencies should be allocated to theatre television and rules and regulations should be promulgated therefor.

4. In effect, the said petitions request the Commission to recognize a new radio service and allocate frequencies to that service for the purpose of relaying television programs for theatre television purposes. Upon the said petitions and the information otherwise available to it, the Commission is unable to determine whether or not the relay of theatre television programs could not be accomplished satisfactorily by use of coaxial cable or wires, rather than by radio relay, or whether a theatre television service could not be conducted satisfactorily using coaxial cable, wire or relay facilities furnished by communications common carriers. The Commission is of the opinion, however, that a fact-finding hearing should be held for the purpose of determining these and related matters; to obtain full information concerning all aspects of theatre television; and to afford all interested persons an opportunity to participate in furnishing related information.

5. Authority for the issuance of rules and standards pertaining to the above matters is contained in section 301 and 303 (b), (c), (e), (f), (g), and (r) of the Communications Act of 1934, as amended.

6. The said hearing will be held upon the following issues:

(a) To determine whether the existing and proposed transmission requirements for theatre television can be satisfied by existing and proposed common carrier wire facilities or by existing and proposed common carrier fixed station facilities operated in bands of frequencies now allocated to such stations.

(b) To determine the orders of frequencies and the spectrum space required, if any, at each order of frequency which would be necessary to establish a theatre television service.

(c) To obtain full information concerning existing or proposed methods or systems for exhibiting television programs on large screens in motion picture theatres or elsewhere.

(d) To obtain full information concerning existing or proposed methods or systems for transmitting or relaying television programs from the point of pickup to the exhibiting theatre, by use of radio frequencies, coaxial cable, wire, or other means, including intra-city and inter-city transmission.

(e) To obtain full information concerning any technical data obtained in experimental operations conducted in the theatre television field, or otherwise available.

(f) To obtain full information concerning any non-technical data obtained in experimental operations conducted in the theatre television field, or otherwise available, including public need or demand for the proposed service, public need or desires in theatre television programs, approximate uses for the service, and commercial feasibility of the service.

(g) To obtain full information concerning plans or proposals looking toward the establishment of theatre television on a commercial or non-commercial basis.

(h) To determine whether persons engaged in furnishing theatre television services would be engaged as common carriers for hire in interstate communications by wire or radio, within the meaning of section 3 (h) of the Communications Act of 1934, as amended.

(i) To determine whether, if frequencies are to be allocated for the purpose of providing a theatre television service, such service should be established on a common carrier or non-common carrier basis, and if on a non-common carrier basis, the conditions under which such service would be made available.

(j) In the light of the evidence adduced under the foregoing issues, to determine whether or not the public interest would be served by the issuance of a proposal for allocation of frequencies to a theatre television service and by the promulgation of proposed rules and en-

gineering standards governing such a service.

7. Any interested person desiring to appear and submit evidence at the hearing shall file a notice of appearance with the Commission on or before February 27, 1950. Such persons, or any other interested persons desiring to comment on the matters set forth in the above issues, may file a brief o written statement with the Commission on or before February 27, 1950. Any replies to comments should be filed on or before March 15, 1950. Fifteen copies of each notice of appearance, brief or written comment should be filed as required by § 1.764 of the Commission's rules and regulations.

Adopted: Jan. 11, 1950.

Released: Jan. 11, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-597; Filed, Jan. 19, 1950; 8:53 a. m.]

[Docket No. 9555]

CENTRAL BROADCASTING CO. (KCNY)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Central Broadcasting Company (KCNY), San Marcos, Texas, Docket No. 9555, File No. BML-1356; for modification of license.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 11th day of January 1950;

The Commission having under consideration the above-entitled application requesting a modification of license to increase hours of operation of Station KCNY, San Marcos, Texas, from daytime only to unlimited time using a power of 100 watts nighttime.

It appearing, that the applicant is legally, technically, financially and otherwise qualified to construct and operate Station KCNY as proposed but that the application would involve interefernce with one other existing broadcast station and otherwise not comply with the Commission's rules and Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act, as amended, the said application is designated for hearing at Washington, D. C., on the 21st day of March 1950, upon the following issues:

1. To determine whether the operation of Station KCNY, as proposed, would involve objectionable interefernce with Station KRBC, Abilene, Texas, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

2. To determine whether the installation and operation of Station KCNY, as proposed, would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations particularly with respect to the assignment of a Class IV station to a regional channel.

It is further ordered, That Reporter Broadcasting Company, licensee of Station KRBC, Abilene, Texas, is made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-594; Filed, Jan. 19, 1950; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1310]

ALLEGANY GAS CO. ET AL.

NOTICE OF APPLICATION

JANUARY 13, 1950.

In the matter of Allegany Gas Company, North Penn Gas Company, Dempseytown Gas Company; Docket No. G-1310.

Take notice that Allegany Gas Company, (Allegany) a Pennsylvania corporation with address at Port Allegany, Pennsylvania, North Penn Gas Company, (North Penn) a Pennsylvania corporation with address at Port Allegany, Pennsylvania, and Dempseytown Gas Company (Dempseytown) a West Virginia corporation with address at Port Allegany, Pennsylvania (Applicants), filed on December 30, 1949, a joint application for a certificate of public convenience and necessity, authorizing Allegany Gas Company to acquire and operate all of the interstate natural gas transmission lines, facilities and properties of North Penn Gas Company and Dempseytown Gas Company. North Penn Gas Company and Dempseytown Gas Company request an order authorizing these companies to abandon the service now being rendered through the lines and facilities proposed to be transferred to Allegany Gas Company.

Allegany Gas Company and Dempseytown Gas Company are affiliated companies which are owned by North Penn Gas Company which is controlled by Pennsylvania Gas & Electric Corporation. The latter company has been ordered by the Securities and Exchange Commission to comply with the Public Utility Holding Company Act. The joint application in this proceeding states that a certificate of public convenience and necessity is sought in order to integrate and unify the operation of the interstate natural gas pipelines, facilities and properties of the Applicants. No new service is proposed to be rendered and no changes are proposed in the rate structures of the Applicants. The application states that Allegany Gas Company will render and continue the same service now being rendered through the pipelines and facilities proposed to be acquired from North Penn and Dempseytown.

The estimated cost of the proposed acquisition will be financed by the issuance of $3,500,000 debt securities of Allegany Gas Company, 23,000 shares of the no par common stock of Allegany Gas Company, and the assumption of liabilities of Dempseytown Gas Company and North Penn Gas Company, except the latter's liability in respect to its outstanding First Mortgage and Loan Gold Bonds and interest accrued thereon. The entire financing will be in accordance with orders to be issued by the Securities and Exchange Commission. It is proposed that North Penn Gas Company and Dempseytown Gas Company will be dissolved.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) within 15 days from the date of publication hereof in the FEDERAL REGISTER. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-577; Filed, Jan. 19, 1950; 8:47 a. m.]

[Docket No. G-1315]

NATURAL GAS SERVICE CORP.

NOTICE OF APPLICATION

JANUARY 13, 1950.

Take notice that Natural Gas Service Corporation, Address 3060 16th Street, NW., Washington 9, D. C., filed on January 6, 1950, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipeline facilities hereinafter described; for the establishment of an interconnection of the proposed facilities with the transmission pipeline of the Transcontinental Gas Pipe Line Corporation at or near the town of Buckingham, Virginia; and to obtain a supply of natural gas from the Transcontinental Gas Pipe Line Corporation at the said proposed interconnection.

Applicant proposes to transport natural gas for resale to the metropolitan area of Richmond, Petersburg, and Hopewell and for such purpose to construct and operate a natural gas pipeline approximately 92 miles in length extending from the vicinity of Buckingham, Virginia, to the corporate limits of Richmond and Hopewell, Virginia. The line is to consist of 67 miles of 14-inch pipe, 13 miles of 12¾-inch pipe and 12 miles of 8⅝-inch pipe and will have a delivery capacity of approximately 80,000 Mcf. per day.

The estimated cost of the proposed facilities is $2,450,000 Applicant proposes to finance the cost of construction through the issuance of common stock and bonds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) within 15 days from the date of publication hereof in the FEDERAL REGISTER. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-578; Filed, Jan. 19, 1950; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 24799]

COAL FROM VIRGINIA TO DANVILLE AND WESTERN RAILWAY STATIONS

APPLICATION FOR RELIEF

JANUARY 17, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section (4) (1) of the Interstate Commerce Act.

Filed by: Southern Railway Company for itself and on behalf of the Danville and Western Railway Company.

Commodities involved: Coal, carloads.

From: Southwest Virginia mines.

To: Danville and Stokesland, Va., and stations on the Danville and Western Railway.

Grounds for relief: Competition with rail carriers, circuitous routes and market competition.

Schedules filed containing proposed rates: Southern Railway Company's tariff I. C. C. No. A-11165, Supplement 3.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-585; Filed, Jan. 19, 1950; 8:46 a. m.]

[4th Sec. Application 24800]

PAPER BOXES FROM LAWRENCE, KANS., KANSAS CITY AND ST. JOSEPH, MO.

APPLICATION FOR RELIEF

JANUARY 17, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for and on behalf of carriers parties to his tariffs I. C. C. Nos. A-3432 and A-3748.

Commodities involved: Boxes or cartons, fibreboard, pulpboard or strawboard, carloads.

From: Lawrence, Kans., Kansas City and St. Joseph, Mo.

To: Points in Western Trunk Line territory.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3432, Supplement 130. L. E. Kipp's tariff I. C. C. No. A-3748, Supplement 7.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-586; Filed, Jan. 19, 1950; 8:46 a. m.]

[4th Sec. Application 24801]

PETROLEUM AND RELATED ARTICLES FROM LAKIN, KANS.

APPLICATION FOR RELIEF

JANUARY 17, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to the tariffs listed below.

Commodities involved: Petroleum, petroleum products and related articles, carloads.

From: Lakin, Kans.

To: Points in Southwestern and Western Trunk Line territories, also Mississippi River crossings.

Grounds for relief: Competition with rail carriers, circuitous routes and to maintain grouping.

Schedules filed containing proposed rates:

D. Q. Marsh's tariff I. C. C. No. 3585, Supplement 390.

D. Q. Marsh's tariff I. C. C. No. 3821, Supplement 27.

D. Q. Marsh's tariff I. C. C. No. 3825, Supplement 45.

D. Q. Marsh's tariff I. C. C. No. 3724, Supplement 105.

L. E. Kipp's tariff I. C. C. No. A-3578, Supplement 48.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-587; Filed, Jan. 19, 1950; 8:46 a. m.]

[No. 30455]

ALABAMA INTRASTATE RATES AND CHARGES

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 9th day of January A. D. 1950.

It appearing, that a petition dated November 10, 1949, has been filed on behalf of The Alabama Great Southern Railroad Company and other common carriers by railroad operating to, from, and/or between points in the State of Alabama, averring (a) that in Ex Parte No. 166, Increased Freight Rates, 1947, 269 I. C. C. 33; 270 I. C. C. 81, 270 I. C. C. 93, and 270 I. C. C. 403, the Commission authorized certain increases in interstate freight rates and charges throughout the United States, which were established October 13, 1947, January 5, 1948, May 6, 1948, and August 21, 1948; and that in Ex Parte No. 168, Increased Freight Rates, 1948, 272 I. C. C. 695 and 276 I. C. C. 9, the Commission authorized certain increases in interstate freight rates and charges throughout the United States, which were established January 11, 1949, and September 1, 1949; (b) that the Alabama Public Service Commission thus far has failed or refused to authorize or permit said petitioners to apply to the transportation of property moving intrastate by railroad in Alabama, increases in freight rates and charges corresponding to those approved for interstate application in the proceedings above cited; and (c) that further efforts by petitioners to secure the desired approval from the Alabama Public Service Commission would, in view of recited past experience, prove futile and useless;

It further appearing, that said petitioners allege that the intrastate rates and charges which they are required to maintain for the transportation of property moving intrastate by railroad in Alabama as a result of such failure or refusal by the Alabama Public Service Commission, cause undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and undue, unreasonable, and unjust discrimination against interstate and foreign commerce, in violation of sections 13 and 15a of the Intrastate Commerce Act; and that the said petition brings in issue freight rates and charges made or imposed by authority of the State of Alabama;

And it further appearing, that the Alabama Public Service Commission on De-

cember 1, 1949, filed a motion, dated November 28, 1949, to dismiss said petition on the ground that petitioners have not exhausted their remedies under Alabama law to secure approval of the desired rates and charges, and it appearing that investigation of petitioners' alleged violations of the Interstate Commerce Act should proceed in due course:

It is ordered, That said motion be, and it is hereby, overruled, without prejudice, pending presentation of evidence and argument;

It is further ordered, That in response to the said petition an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence, from the petitioning respondents hereinafter designated and any other persons interested, to determine whether the rates and charges of the common carriers by railroad, or any of them, operating in the State of Alabama for the intrastate transportation of property, made or imposed by authority of the State of Alabama, cause any undue or unreasonable advantage, preference, or prejudice as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum rates and charges, shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That all common carriers by railroad operating within the State of Alabama subject to the jurisdiction of this Commission be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents; and that the State of Alabama be notified of this proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said State and to the Alabama Public Service Commission at Montgomery, Ala.;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

And it is further ordered, That this proceeding be assigned for hearing at such times and places as the Commission may hereafter direct.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-588; Filed, Jan. 19, 1950; 8:45 a. m.]

[Rev. S. O. 562, King's I. C. C. Order 8-A]

ILLINOIS CENTRAL RAILROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of King's I. C. C. Order No. 8, and good cause appearing therefor: *It is ordered*, That:

(a) King's I. C. C. Order No. 8 be, and it is hereby, vacated and set aside.

(b) *Effective date.* This order shall become effective at 11:59 a. m., January 13, 1950.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., January 13, 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 50-589; Filed, Jan. 19, 1950; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 30-20, 30-97]

SIOUX CITY GAS AND ELECTRIC CO. AND IOWA PUBLIC SERVICE CO.

NOTICE OF FILING OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of January A. D. 1950.

In the matter of Sioux City Gas and Electric Company, File No. 30-97; Iowa Public Service Company, File No. 30-20.

Notice is hereby given that an application has been filed with this commission pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 (the "act"), by Iowa Public Service Company, an Iowa corporation formerly known as Sioux City Gas and Electric Company and hereinafter referred to as the "Iowa Company", a registered holding company and a public utility company for an order under said act declaring that the applicant and its former subsidiary Iowa Public Service Company, a Delaware corporation hereinafter referred to as the "Delaware Company", formerly an operating utility company and still registered with this Commission as a holding company, have ceased to be holding companies.

All interested persons are referred to said application which is on file in the offices of the Commission for a complete statement relating to the requested finding and order, which is summarized as follows:

The application states that, pursuant to a plan of merger under section 11 (e) of the act and a related application approved by this Commission in File Nos. 54-174 and 70-1741, which plan was ordered enforced by the United States District Court for the Northern District of Iowa, Civil Action No. 571, and became effective on October 31, 1949, the Delaware Company was merged into the Iowa Company and the latter company acquired all of the assets and assumed all the liabilities of the remaining public utility subsidiaries of the system, which have been liquidated and dissolved. In approving said plan, the Commission reserved jurisdiction over the reasonableness and appropriate allocation of all fees and expenses and other remuneration incurred or to be incurred in connection with the plan. According to the Commission's files, no application for the approval of such fees, expenses and remuneration has been submitted to the Commission.

The application indicates that the Iowa Company is now solely a public utility company and that it does not now, directly or indirectly, own, control or hold with power to vote any outstanding voting securities of a public utility company or of a company which is a holding company within the provisions of the act.

Notice is further given that any interested person may, not later than January 27, 1950, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after January 27, 1950, said application, as filed or as amended, may be granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-581; Filed, Jan. 19, 1950; 8:48 a. m.]

[File Nos. 54-160, 54-162, 54-164, 59-14]

INTERNATIONAL HYDRO-ELECTRIC SYSTEM

MEMORANDUM OPINION AND ORDER ON PETITION OF PREFERRED STOCKHOLDERS GROUP

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 13th day of January A. D. 1950.

On December 6, 1949, the Commission issued its opinion and order herein (Holding Company Act Release No. 9535) approving Part II of the Trustee's Second Plan for liquidation and dissolution of International Hydro-Electric System ("IHES") for submission to the District Court of the United States for the District of Massachusetts, subject, however, to the condition that at least $5,000,000 worth of Gatineau common stock be sold under Part II and that the Trustee sell more than this amount if he can do so advantageously. The Trustee thereupon filed with the Court his petition for approval of said Part II in conformity with the Commission's opinion and order, and said matter was duly noticed by the Court and set down for hearing on January 23, 1950.

Subsequent to the Court's order for hearing, a petition was filed on January 4, 1950, by International Hydro-Electric System Preferred Stockholders Group asking that Part II of the plan as approved by the Commission "be amended, modified or supplemented by an order requiring the Trustee to offer in exchange for outstanding debentures Gatineau stock at $15 per share or at such other

price as the Commission may determine, consonant with the price to be realized by a sale of Gatineau as called for in the present plan."

The petition before us is clearly addressed to the method of effectuating Part II of the Plan rather than to its substance, and accordingly it appears that consideration of the issues raised therein need not be considered now and, indeed, should be deferred until after the Court has acted. As our opinion and order with respect to the Plan made clear, we have reserved jurisdiction to consider further the issues incident to the sale of the Gatineau stock and the bank loan to be incurred for the purpose of discharging the debentures. We assume that the Trustee will propose a mode of sale appropriately designed to achieve promptly and economically the results to which Part II is directed, and that, in that connection, he will give consideration to all possible alternatives including the appropriateness of an exchange offer to the debenture holders. For these reasons we believe that the petition presently before us should be dismissed without prejudice to its renewal at an appropriate time, and accordingly it is so ordered.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-582; Filed, Jan. 19, 1950; 8:48 a. m.]

[File No. 68-133]

NEW ENGLAND PUBLIC SERVICE CO. AND NORTHERN NEW ENGLAND CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of January A. D. 1950.

In the matter of David J. Greene, W. H. Steiner, and Frank Wolfe as Protective Committee for the Public Holders of the Common Stock of New England Public Service Company and of the Shares of Beneficial Interest of Northern New England Company; File No. 68-133.

David J. Greene, W. H. Steiner, and Frank Wolfe as a protective committee for public holders of the common stock of New England Public Service Company ("NEPSCO"), a registered holding company, and for holders of the shares of beneficial interest of Northern New England Company ("Northern"), also a registered holding company and the parent of NEPSCO, having filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 and Rule U-62 thereunder a declaration and amendments thereto with respect to the solicitation of authorizations by said persons to represent public holders of said stock and shares of beneficial interest in reorganization, liquidation, or similar proceedings involving the two companies and their subsidiaries; said persons, in connection therewith, having applied for approval under Rule U-62 (j) of the solicitation by them of the two classes of security holders, stating that substantially all of the assets of Northern consist of the common stock of NEPSCO and that, therefore, no material conflict of interest exists between the two classes of security holders concerning the subject matter of the solicitation; and

The Commission having considered said declaration-application and deeming it appropriate in the public interest and for the protection of investors or consumers to grant said application and to permit said declaration as amended to become effective forthwith:

It is ordered, Pursuant to the applicable provisions of the act and the rules thereunder, and subject to the terms and conditions prescribed in Rule U-24, that said application be and hereby is granted and said declaration as amended be and hereby is permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-583; Filed, Jan. 19, 1950; 8:49 a. m.]

[File No. 70-2303]

ATTLEBORO STEAM AND ELECTRIC CO. ET AL.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 13th day of January A. D. 1950.

In the matter of Attleboro Steam and Electric Company, Central Massachusetts Electric Company, Worcester Suburban Electric Company, New England Power Company, Worcester County Electric Company; File No. 70-2303.

Notice is hereby given that Attleboro Steam and Electric Company ("Attleboro"), Central Massachusetts Electric Company ("Central"), Worcester Suburban Electric Company ("Worcester Suburban"), New England Power Company ("NEPCO") and Worcester County Electric Company ("Worcester County"), all subsidiaries of New England Electric System ("NEES"), a registered holding company have filed separate applications pursuant to the Public Utility Holding Company Act of 1935, and have designated section 6 (b) thereof as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than January 24, 1950, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said applications proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after January 24, 1950, said applications, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said applications which are on file in the office of the Commission for a statement of the transactions therein proposed, which may be summarized as follows:

Attleboro, Central, Worcester, Suburban, NEPCO, and Worcester County propose to issue, from time to time but not later than June 30, 1950, additional unsecured promissory notes, due May 31, 1951. Applicant's notes are to be used pursuant to bank loan agreements dated April 30, 1948, and modified on January 27, 1948, and October 20, 1949 (as described in Holding Company Act Release Nos. 8253 and 9527), and the amount of such notes outstanding and proposed to be issued together with total notes to be outstanding are shown in the following table:

Name	Outstanding at Dec. 31, 1949	Proposed to be issued for period ending June 30, 1950	Estimated total to be outstanding at June 30, 1950
Attleboro	$280,000	$100,000	$380,000
Central	900,000	100,000	1,000,000
Worcester Suburban	1,950,000	100,000	2,050,000
NEPCO	3,500,000	7,800,000	7,800,000
Worcester County	3,250,000	3,250,000	----------
Total	9,880,000	11,350,000	11,230,000

The applicant companies have agreed to reduce the amount of bank notes outstanding to the extent of any permanent financing, except indebtedness to NEES, and to reduce the amount of bank notes authorized by this Commission but not issued prior to such financing to the extent of the excess of such financing over the amount of notes then outstanding.

The applications state that the companies proposing to issue additional unsecured promissory notes will use the proceeds therefrom to replenish any depletion of working capital occasioned by the construction of property already in progress and to finance proposed construction through June 30, 1950.

Incidental services in connection with the notes proposed to be issued will be performed by New England Power Service Company, an affiliated service company, at the actual cost thereof. The amount of such expenses to be incurred by each applicant company in connection with the issuance of the additional unsecured promissory notes is estimated to be $75 each, or an aggregate of $375.

The Department of Public Utilities of the Commonwealth of Massachusetts has approved the proposed issue of notes by Attleboro, Central, Worcester Suburban, NEPCO and Worcester County. The Public Service Commission of the State of New Hampshire and the Vermont Public Service Commission have approved the notes proposed to be issued by NEPCO.

The applications request that the Commission's order herein be effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-584; Filed, Jan. 19, 1950; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14215]

MARTHA CHARLOTTE FREISE ET AL.

In re: Interests in securities and bank account owned by Martha Charlotte Freise and others. F-28-30442-A-1, F-28-30138-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executiver Oder 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martha Charlotte Freise, whose last known address is Konigssee, Berchtesgaden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That Lilly Kullak, whose last known address is 23 Limastrasse, Berlin, Zehlendorf West, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

3. That Vera Gross, whose last known address is 3 Knapsackstrasse, Schkopau, Merseburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

4. That Alfred von Kupsz, whose last known address is 2 Flandernstrasse, Wiesbaden-Sonnenburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

5. That the property described as follows:

a. An undivided three-fourths (¾ths) interest in those certain shares of stock, which shares are described in Exhibit A, attached hereto and by reference made a part hereof, and registered in the name of Tucker & Co., % J. Henry Schroder Banking Corporation, 46 William Street, New York 5, New York, presently in the custody of J. Henry Schroder Banking Corporation, 46 William Street, New York 5, New York, in an account entitled M. G. Freise, Deceased, and/or George E. Fischer, together with a three-fourths (¾ths) interest in all declared and unpaid dividends thereon,

b. An undivided three-fourths (¾ths) interest in one (1) Mortgage Bank of Chile 6½% Bond, due June 30, 1957, of $1,000.00 face value, bearing the Number M16017, registered in the bearer, presently in the custody of J. Henry Schroder Banking Corporation, 46 William Street, New York 5, New York, in an account entitled M. G. Freise, Deceased, and/or George E. Fischer, together with a three-fourths interest in any and all rights thereunder and thereto,

c. An undivided three-eighths (⅜ths) interest in one (1) Mortgage Bank of Chile 6½% Bond, due June 30, 1957, of $1,000.00 face value, bearing the Number M16396, registered to bearer, presently in the custody of J. Henry Schroder Banking Corporation, 46 William Street, New York 5, New York, in an account entitled J. Henry Schroder & Co., London, together with a three-eighths (⅜ths) interest in any and all rights thereunder and thereto,

d. An undivided three-fourths (¾ths) interest in one State of San Paulo, Brazil, 8% External Loan of 1925 Bond, due January 1, 1950, bearing the Number 565, registered to bearer, presently in the custody of J. Henry Schroder Banking Corporation, 46 William Street, New York 5, New York, in an account entitled M. G. Freise, Deceased, and/or George E. Fischer, together with a three-fourths (¾ths) interest in any and all rights thereunder and thereto,

e. An undivided three-fourths (¾ths) interest in one (1) Kreuger & Toll Company American Certificate, representing deposited Participation Debentures, of twenty Kroner or $5.36 par value, which certificate was issued for twenty-eight (28) shares, bearing the number 66910, registered in the name of Tucker & Co., % J. Henry Schroder Banking Corporation, 46 William Street, New York 5, New York, and presently held in the custody of J. Henry Schroder Banking Corporation, 46 William Street, New York 5, New York, in an account entitled M. G. Freise, Deceased, and/or George E. Fischer, together with a three-fourths (¾ths) interest in any and all rights thereunder and thereto, and

f. An undivided three-fourths (¾ths) interest in that certain debt or other obligation of J. Henry Schroder Banking Corporation, 46 William Street, New York 5, New York, arising out of a current account, entitled J. Henry Schroder & Co., London, Blocked Account, M. G. Freise, Deceased, and/or George E. Fischer, maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Martha Charlotte Freise, Lilly Kullak, Vera Gross and Alfred von Kupsz, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

6. That to the extent that the persons named in subparagraphs 1, 2, 3, and 4 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 28, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

EXHIBIT A

Name and address of issuer	Place of incorporation	Type of stock	Par value	Certificate No.	Number of shares
American Can Co., 230 Park Ave., New York 17, N. Y.	New Jersey	Common	$25.00	198614 200810	5 2
E. I. duPont deNemours, & Co., 1007 Market St., Wilmington, Del.	Delaware	do	5.00	010083	20
International Harvester Co., 180 North Michigan Ave., Chicago, Ill.	New Jersey	do	No	77460 75679	4 8
Pennsylvania Railroad Co., Broad St. Station, Philadelphia, Pa.	Pennsylvania	Capital	No	406277	10
Texas Co., 135 East 42d St., New York 17, N. Y.	Delaware	do	25.00	29568	10
Texas Gulf Sulphur Co., 17 East 45th St., New York 17, N. Y.	Texas	do	No	172486	10

[F. R. Doc. 50-603; Filed, Jan. 19, 1950; 8:52 a. m.]

[Vesting Order 14245]

WILHELM PETZOLD

In re: Stock and personal property owned by Wilhelm Petzold. D-28-12506-C-1, D-28-12506-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Petzold, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Five and three-tenths (5.3) shares of $10.00 par value common capital stock of Cities Service Company, 60 Wall Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered VL958898, CL54768 for twenty-five (25) shares each and XL357623 for three (3) shares of common no par value stock of the aforesaid Company, registered in the name of Wilhelm Petzold, together with all declared and unpaid dividends thereon, and any and all rights to receive a new certificate for shares of $10.00 par value stock of the aforesaid Company, and

b. That certain German currency presently in the custody of the Department of State, Division of Protective Services, 515 Twenty-second Street NW., Washington, D. C., more particularly described as follows:

Two (2) 10,000 mark bills.
One (1) 1,000 mark bill.
One (1) 100 mark bill.
Three (3) 20 mark bills.
Three (3) 5 mark bills.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 6, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-605; Filed, Jan. 19, 1950; 8:52 a. m.]

[Vesting Order 14233]

KARL ARMBUSTER

In re: Stock and a bank account owned by Karl Armbuster, also known as Carl Armbruster and as Carl Joseph Anton Armbruster. D-28-6689-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Armbuster, also known as Carl Armbruster, and as Carl Joseph Anton Armbruster, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Ten (10) shares of no par value capital stock of International Telephone and Telegraph Corporation, 67 Broad Street, New York 4, New York, a corporation organized under the laws of the State of Maryland, evidenced by a (foreign share) certificate numbered $\frac{NN}{AF}$ 3734, registered in the name of Karl Armbuster and presently in the custody of the Department of State, Division of Protective Services, 5152 22d Street NW., Washington, D. C. together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation owing to Karl Armbuster, also known as Carl Armbruster, and as Carl Joseph Anton Armbruster, by East River Savings Bank, 743 Amsterdam Avenue, New York, New York, arising out of a savings account, account number 85108, entitled Carl Armbruster, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 6, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-604; Filed, Jan. 19, 1950; 8:52 a. m.]